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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,040	07/12/2001	Gary A. Demos	07314-011001	2221

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EXAMINER

AN, SHAWN S

ART UNIT PAPER NUMBER

2613

DATE MAILED: 04/07/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/905,040

Applicant(s)

DEMOS, GARY A.

Examiner

Shawn S An

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) 2-26, 28-52 and 54-78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 27, 53 and 79-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Reconsideration***

1. Applicant's arguments with respect to claims 1, 27, 53, and 79-85 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 53, 79-81, and 83-84 are rejected under 35 U.S.C. 102(b) as being anticipated by Huang et al (5,617,145).

**Regarding claims 1, 53, 79-81, and 84,** Huang discloses a system and a method for coding video frames in a video compression system having coding mode biases, including:

means for inputting video frames to be compressed (Fig. 1, element 6);

means (Fig. 1) for automatically scaling (variable) the coding mode biases as a function of the number of bits of coding precision used to code video frames (col. 3, lines 15-22).

**Regarding claim 83,** Huang discloses Q parameter associated with the video frames (col. 1, lines 36-38).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 27, 82, and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al (5,963,673).

**Regarding claim 27**, Huang discloses a system and a method for coding video frames in a video compression system having coding mode biases, including:

means for inputting video frames to be compressed (Fig. 1, element 6);  
means (Fig. 1) for automatically scaling (variable) the coding mode biases as a function of at least dynamic range of at least one image unit of video frames (col. 3, lines 15-22).

Further, the Examiner takes official notice that computer program for coding video frames in a video compression system is well known in the art for saving costs associated with hardware apparatus.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a system/method for encoding compressed video frames as taught by Huang et al to incorporate the computer program having instructions for causing a computer to perform all of the above limitations for saving costs associated with hardware apparatus.

**Regarding claims 82 and 85**, Huang et al does not particularly disclose contrast range and setting all biases to zero.

However, the Examiner takes official notice that image characteristics such as contrast range are well known in the art, and setting all coding mode biases for such video frames to zero are also conventional so as to prioritize encoding process.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an apparatus/method for encoding compressed video frames as taught by Huang et al to modify the scaling coding mode as a function

of contrast range for efficient coding and setting all coding mode biases for such video frames to zero so as to prioritize encoding process.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Chen et al (6,057,884), Temporal and spatial scaleable coding for video object planes.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **Shawn S An** whose telephone number is 703-305-0099. The Examiner can normally be reached on Flex hours (10).

8. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SSA

SHAWN S. AN  
PATENT EXAMINER

Primary Patent Examiner

4/3/04